

REMARKS

Claims 1-20 are pending. Of those, claims 1, 9 and 15 are independent.

Drawing Objection

On page 2 of the Office Action, the Examiner has objected to the drawings as being informal. In a letter submitted concurrently with the present communication, Applicant has submitted formal drawings, for which approval is requested.

Claim Objections

On page 2 of the Office Action, an objection has been made to claim 2 because it ends with a comma instead of a period. Applicant appreciates the cooperation of the Examiner in identifying this typographical error. By this reply, claim 2 has been amended to replace the noted comma with a period, thus correcting the typographical error. Withdrawal of the objection is requested.

§ 103 Rejection

Beginning on page 3 of the Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) as being obvious over US Patent No. 6,112,301 to Johnson (the '301 patent), in view of US Patent No. 6,148,346 to Hanson (the '346 patent). Applicants traverse.

More particularly, the Examiner asserts that the '301 patent teaches the use of non-object-oriented tunable kernel parameters and that the '346 patent teaches object-oriented device drivers. Moreover, the Examiner asserts that it would have obvious to adapt the tunable parameters of the '301 patent to adopt an object-oriented architecture according to the example provided by the object-oriented device drivers of the '346 patent. Again, Applicant traverses.

Applicant agrees that the '301 patent is utterly silent regarding the possibility of tunable parameters being adapted to an object-oriented architecture. As to the '346 patent, Applicant acknowledges that it states the following (col. 4, lines 3-9):

However, applications typically considered part of the OS [operating system] have not displayed a requirement or need to use object-oriented programming. An example of an application considered part of the OS is a device driver. The present invention [namely disclosed by the '346 patent] incorporates object oriented programs to create a single device driver that provides communication between any host computer system and any peripheral device.

Applicant is willing to assume for the sake of argument that the above-quoted passage of the '346 patent represents a suggestion to adapt kernel applications, i.e., programs, to use an object-oriented architecture. Examples of such applications include PAGEMAKER® (col. 4, lines 2), MICROSOFT®, EXCEL®, WORD; (see col. 4, line 35).

A tunable refers to a tunable parameter or variable of the kernel or a kernel configurable parameter/variable. As such, a tunable is different than an application that is typically considered part of an operating system, i.e., a tunable is not an application.

If the '301 patent was modified according to the '346 patent as asserted by the Examiner, the result would be that operating system applications such as subsystem 1, subsystem 2, etc., (see Fig. 3) of the '301 patent would be adapted to employ an object-oriented architecture. But the tunable parameters (see col. 5, line 37; col. 6, line 39) of the modified system according to the '301 patent would not have been adapted to an object-oriented architecture because, again, a tunable is not an application.

A distinction over the applied combination of the '301 patent and the '346 patent exhibited by each of independent claims 1, 9 and 15 is that instances corresponding to at least one base tunable are stored in memory.

Claims 2-8, 10-14 and 16-20 depend at least indirectly from claims 1, 9 and 15, and thus exhibit at least the distinction of the independent claims from which they depend, respectively.

In view of the foregoing discussion, withdrawal of the §103 rejection is requested.

CONCLUSION

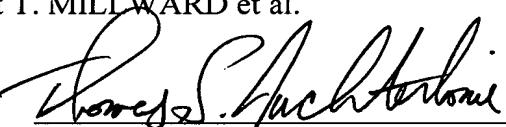
The issues in the case are considered to be resolved. Accordingly, Applicants request a Notice of Allowability.

In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 668-8000 for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
Scott T. MILLWARD et al.

By:


Thomas S. Auchterlonie
Reg. No. 37,275

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TSA/krf